IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 9449/2002

KALU LAL Vs. STATE OF RAJASTHAN & ORS.

DATE: 11.12.2007.

HON'BLE MR. JUSTICE K.S. RATHORE

Mr. Saransh Saini for
Mr. G.K. Garg for the petitioner.
Mr. B.S. Chhaba, Dy. GA for the State.
Mr. Anurag Agarwal for the respondent No.3.

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This writ petition has been filed by the petitioner with the prayer that the Award dated 24.10.2000 and 20.06.2002 passed by the Land Acquisition Officer qua the petitioner may be modified and the respondents be directed to pay compensation to the petitioner for whole of the land measuring 30x40 ft. and the house in question.

The main challenge to the impugned Award is on the ground that the petitioner purchased a piece of land measuring 30x40 ft. (1200 sq.ft.) situated in front of Railway Station, Anta from one Shri Gurjant Singh on 31.03.1987 and the possession of the same was handed over by Shri Gurjant Singh to the petitioner and Shri Gurjant Singh possessed the land measuring 9 Bigha

12 Biswa of Khasra No. 583, out of which he has sold the land measuring 30x40 ft. (1200 sq.ft.) to the petitioner and this fact has been mentioned by Shri Gurjant Singh himself by giving affidavit and in the aforesaid land, kitchen and two rooms along with 'Baramda' (veranda) has been constructed by the petitioner and the family members of the petitioner are residing in the said premises since 1987-88. Thus, the findings given by the Land Acquisition Officer are perverse to the facts and record.

On the other hand, learned counsel appearing for the respondents has raised a preliminary objection regarding maintainability of the writ petition and contended that the land which was belonging to the State of Rajasthan and was required for the expansion of the Power Station of 650 M.W. At Anta, District Baran, was allotted by the District Collector, Baran vide his order dated 07.01.99 to the respondents. It is further contended that the petitioner had the occupied Siwai Chak land measuring 15ft.x40ft. (600 Sq.ft.) comprising Khasra No. 460 and the remaining land measuring 15ft.x40ft. (600 Sq.ft.) comprising Khasra No. 461 belonging to Shri Gurjant Singh and the land belonging to the State has been allotted by the District Collector to the respondents Corporation for

expansion of Power Grid and the possession letter was also given by the Patwari on 12.03.99. Since the land belongs to the State and only acquired 15ft.x40ft. (600 Sq.ft.), therefore, the relief claimed by the petitioner for compensation of whole of the land is not tenable.

Learned counsel for the respondents further submits that the petitioner also filed reference under Section 18 of the Land Acquisition Act, 1894 for enhancement of the compensation and same relief was claimed in that reference and the same has been rejected by the District Collector, Baran vide order dated 16.12.2003.

In view of these facts, this Court do not find any merit in the writ petition which is not maintainable and deserves to be dismissed being devoid of merit.

Consequently, the writ petition stands dismissed.

The ex parte interim order dated 19.12.2002 granted by this Court stands rejected. The stay application also stands dismissed.

(K.S. RATHORE),J.

/KKC/